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REMARKS

Applicants respectfully request reconsideration of this Patent Application, particularly in view of the above Amendment and the following remarks. No additional fee is required for this Amendment as the number of independent claims has not changed, and the total number of claims is less than originally filed.

Request for Telephone Interview

Applicants kindly request the Examiner to contact the undersigned at (847) 490-1400 to schedule a telephone interview, to discuss the merits of this Patent Application.

Priority

The Applicants have the Notice of Acceptance indicating the copy of the International Application was received in the U.S.P.T.O. Applicants do not believe a separate certified copy of the International Application is required. The Examiner is invited to contact the undersigned by telephone to discuss further.

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Drawing Objection

The Examiner Objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) because they include reference characters 33.5 and 33.6 which were not mentioned in the description. The identified elements are listed in original Claim 19 as connecting strips (33.5) and free profiled side (33.6). These elements are described by name in the Summary of the Invention section of the original Substitute Specification on page 8, first full paragraph. Applicants have incorporated this paragraph into the Detailed Description Section of the second Substitute Specification, thereby rendering this rejection moot.

Amendment to the Claims

Claims 1 and 32 have been amended to clarify that the vertical frame (10) is connectable to each of the cabinet rack (30) or to the plate shaped cover elements (20). The vertical frame elements (10) can connect to the cabinet rack (30) at the horizontal depth struts (32). The vertical frame elements (10) can also connect to the cover elements (20) separately to from an independent rack (60). Support for this Amendment can be found, for example, at page 3, first paragraph of the Substitute Specification, and in Figs 6 and 7.

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Claims 2-4, 9, 11, 19, 27, 28, 30, and 31 have been amended to provide proper antecedent basis.

Claims 2-4, 9-12, 14, 30, and 31 have been amended to provide consistent names for elements.

Claim 3 has been amended to replace “continuous exterior receiver” with “outer receptacle,” as described in the substitute specification at page 14.

Claims 4, 5, 11, 13, 20, and 27 have been amended for clarity.

Claim 6 has been canceled as redundant over the previous claims.

Claim 7 has been amended to correct dependency.

Claim 9 has been further amended to provide proper element numbering and as suggested by the Examiner.

Claim 14 has been amended to recite the outer receptacle instead of the exterior receptacle.

Claims 15-19 have been amended to replace vertical profiled frame elements with vertical frame legs. The Examiner is correct in that this elements is the same element in Claim 1.

No new matter has been added to the claims by this Amendment.

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Claim Objection

Claim 9 has been objected to because cable introduction recess has been misnumbered 21.2 instead of 21.1. Applicants have corrected this issue.

Claim Rejections - 35 U.S.C. §112, First Paragraph

Claims 3-20 have been rejected under 35 U.S.C. §112, first paragraph, for the reasons set forth at page 4 of the Office Action. Applicants have amended Claims 3, 14, and 15 to recite “an outer receptacle” in place of the “continuous exterior receiver.”

Applicants believe that the above Amendment and comments overcome the rejection of Claims 3-20.

Claim Rejections - 35 U.S.C. §112, Second Paragraph

Claims 1-20, 24-28 and 30-32 have been rejected under 35 U.S.C. §112, second paragraph, for the reasons set forth at pages 5-8 of the Office Action.

In the Claims (and the Specification) the term “basic” has been removed.

Claims 2 and 3 have been amended to include “horizontal broad struts,” horizontal depth struts,” and “vertical frame legs” as recommended by the Examiner.

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Claim 3 has been amended to remove “the” from in front of “corner connectors (40).

Claim 3 has been amended to replace “continuous exterior receiver” with “outer receptacle,” as described in the substitute specification at page 14.

Claim 4 has been appropriately corrected; the “a profiled base side” of Claim 4 is the same elements as the “base profiled sides” in Claim 1.

Regarding Claim 5, the fastening receivers are not the same elements as the fastening receivers (11.4) in Claim 4. Both Claims include fastening receivers, however the location of the fastening receivers is what distinguishes Claim 4 from Claim 5. Applicants have amended Claim 5 to clarify that the fastening receivers (11.2, 11.7) of Claim 5 are located in the beveled lateral legs (11.1, 11.6). The term graduation means a repeating pattern of receivers, for example 3 receivers per inch would be a graduation. Applicants have deleted “identical.”

Claim 6 has been canceled as redundant over the previous claims.

Claim 8 recites fastening receivers (12.3) of the horizontal broad frame struts, these fastening receivers (12.3) are different from the fastening receivers (11.2, 11.4, 11.7) of the previous claims, which are fastening receivers (11.2, 11.4, 11.7) of the vertical profile frame elements.

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Claim 9 was amended to provide antecedent basis for the base plates. Claim 9 was also amended to incorporate the Examiner's suggestion to replace "above" with outside in a vertical direction from.

Claim 11 has been amended to clarify the wording of the claim.

Claim 13 has been amended to clarify that the bottom frame, top frame, and the corner connectors are the same elements as found in Claim 3.

Claim 14 has been amended to recite the outer receptacle instead of the exterior receptacle. This outer receptacle is the same element as the outer receptacle in Claim 3.

Claims 15-19 have been amended to replace vertical profiled frame elements with vertical frame legs. The Examiner is correct in that this element is the same element in Claim 1. Claim 19 has been amended to provide antecedent basis for free profiled side.

Claim 20 has been amended to clarify that the beveled edge is the same as the beveled edge in Claim 1 and the facing bearing receiver has been amended to clarify that it is the same element as the bearing receiver. With regards to the Examiner's question regarding how can the hinge elements rotate if they are fixed against shifting, this is because they are fixed with respect to the cover element and

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not fixed with respect to the hinge bolt. Thus, the hinge element (and the cover element) is still free to rotate with respect to the hinge bolt.

The Examiner is correct that the identical top and bottom frame of Claim 27 are made of elements found in Claim 1. Applicants have amended Claim 27 to provide proper antecedent basis.

Claim 28 has been amended to provide antecedent basis for bevel (25).

Claim 30 has been amended to provide antecedent basis for bearing receivers (28) and bevels (25).

Claim 31 has been amended to provide antecedent basis for bearing receivers (28), bearing brushes (29), and bevels (25).

Claim 32 has been amended to provide antecedent basis for cabinet rack (30) in line 7. The depth strut in line 7 and each in line 10 have been deleted to eliminate confusion.

Applicants believe that the above Amendment and comments overcome the rejection of Claims 1-20, 24-28 and 30-32.

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Claim Rejections - 35 U.S.C. §103

The rejection of Claims 1-2, 24-25, and 27 under 35 U.S.C. §103(a) as being unpatentable over Jancesek, U.S. Patent 6,036,290, in view of Whipps, U.S. Patent 3,563,627, is respectfully traversed.

Claim 1 has been amended to clarify that the vertical frames (10) in this kit are connectable to each of the cabinet rack (30) or the plate-shaped cover elements (20). This amendment clarifies that the vertical frames can be used to adapt the cabinet rack to support various built-ins with differing dimensions. Further, the vertical frames can be connected to the plate-shaped cover elements (20) to form an independent rack (60).

The Examiner alleges the Jancesek Patent teaches all elements of the claimed invention except the plate-shaped cover elements having on two opposite sides fastening edges beveled at right angles with at least one row of fastening receivers, and the door hinged to cover elements. The Examiner alleges that these elements are taught by the Whipps Patent and that it would have been obvious to one of ordinary skill in the art “to modify the switchgear cabinet of the Jancesek Patent so as to include on the cover two opposite sides fastening edges bevels at right angles with at least one row of fastening receivers, and to hinge the door to cover elements as taught by the Whipps Patent in order to further protect and reinforce the bottom

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frame of the cabinet and to place less stress on the cabinet frame by supporting the weight of the door on the bottom cover.”

Applicants respectfully disagree. The combination of the Jancesek Patent and the Whipps Patent does not teach or suggest the Applicants’ claimed invention. Applicants’ claimed invention is a kit for producing frame structures for switchgear cabinets. Applicants’ claimed invention includes vertical frames which can be used in one rack, i.e., the cabinet rack (30), to support various built-ins with differing dimensions, or can be used to with the plate-shaped cover elements to create a second rack, the independent rack (60). Neither the Jancesek Patent nor the Whipps Patent teach or suggest a dual use kit with vertical frames which can be used in one rack to support various built-ins with differing dimensions or alternatively can be used to make a second independent rack.

The rejection of Claims 3-7 under 35 U.S.C. §103(a) as being unpatentable over the Jancesek Patent in view of the Whipps Patent further in view of Fontana et al., International Publication WO 95/17803, is respectfully traversed. Claims 3-5 and 7 depend from Claim 1 and are patentable for at least the same reasons discussed above. Claim 6 has been canceled.

The rejection of Claim 8 under 35 U.S.C. §103(a) as being unpatentable over the Jancesek Patent in view of the Whipps Patent further in view of Ackermann,

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German Publication DE 198 37 184 A1, is respectfully traversed. Claim 8 depends from Claim 1 and is patentable for at least the same reasons discussed above.

The rejection of Claim 9 under 35 U.S.C. §103(a) as being unpatentable over the Jancesek Patent in view of the Whipps Patent further in view of the Ackermann Reference further in view of Marzec et al., U.S. Patent 6,238,029, is respectfully traversed. Claim 9 depends from Claim 1 and is patentable for at least the same reasons discussed above.

The rejection of Claims 10-16 under 35 U.S.C. §103(a) as being unpatentable over the Jancesek Patent, as modified by the Whipps Patent, the Ackermann Reference and the Marzec Patent, further in view of Kostic, U.S. Patent 5,536,079, is respectfully traversed. Claims 10-16 depend from Claim 1 and are patentable for at least the same reasons discussed above.

The rejection of Claims 17-19 under 35 U.S.C. §103(a) as being unpatentable over the Jancesek Patent, as modified by the Whipps Patent, the Ackermann Reference, the Marzec Patent, the Kostic Patent, further in view of Hartel et al., German reference DE 202 03 883 U1, is respectfully traversed. Claims 17-19 depend from Claim 1 and are patentable for at least the same reasons discussed above.

The rejection of Claim 20 under 35 U.S.C. §103(a) as being unpatentable over the Jancesek Patent, as modified by the Whipps Patent, the

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Ackermann Reference, the Marzec Patent, the Kostic Patent, the Hartel Reference, further in view of Hobday, International Publication WO 95/17803, is respectfully traversed. Claim 20 depends from Claim 1 and is patentable for at least the same reasons discussed above.

The rejection of Claim 26 under 35 U.S.C. §103(a) as being unpatentable over the Jancesek Patent, as modified by the Whipps Patent, in further view of the Ackermann Reference, is respectfully traversed. Claim 26 depends from Claim 1 and is patentable for at least the same reasons discussed above.

The rejection of Claim 28 under 35 U.S.C. §103(a) as being unpatentable over the Jancesek Patent, as modified by the Whipps Patent, in further view of the Hobday Publication, is respectfully traversed. Claim 28 depends from Claim 1 and is patentable for at least the same reasons discussed above.

The rejection of Claim 30 under 35 U.S.C. §103(a) as being unpatentable over the Jancesek Patent, as modified by the Whipps Patent, in further view of French, U.S. Patent 4,579,400, is respectfully traversed. Claim 30 depends from Claim 1 and is patentable for at least the same reasons discussed above.

The rejection of Claim 31 under 35 U.S.C. §103(a) as being unpatentable over the Jancesek Patent, as modified by the Whipps Patent, in further

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view of the Kostic Patent, is respectfully traversed. Claim 31 depends from Claim 1 and is patentable for at least the same reasons discussed above.

The rejection of Claim 32 under 35 U.S.C. §103(a) as being unpatentable over the Jancesek Patent in view of the Hobday Publication, is respectfully traversed.

Applicants have amended Claim 32 to clarify that the vertical frames (10) are connectable to each of the cabinet rack (30) or the plate-shaped cover elements (20). This amendment clarifies that the vertical frames can be used to adapt the cabinet rack to support various built-ins with differing dimensions. Further, the vertical frames can be connected to the plate-shaped cover elements (20) to form an independent rack (60).

The Examiner alleges the Jancesek Patent teaches all elements of the claimed invention except the cover elements including a bottom element and a top element connectable with two spaced apart vertical frames to form an independent rack. The Examiner alleges that these elements are taught by the Hobday Publication and that it would have been obvious to one of ordinary skill in the art “to modify the switchgear cabinet of the Jancesek Patent so as to form the switchgear cabinet into a configuration having the cover elements including a bottom element and a top element

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connecting with two spaced apart of the vertical frames to form an independent basic rack as taught by Hobday.

Applicants respectfully disagree. Applicants' claimed invention is a kit for producing frame structures for switchgear cabinets. Applicants' claimed invention includes vertical frames which can be used in one rack, the cabinet rack, to support various built-ins with differing dimensions or can be used to with the plate-shaped cover elements to create a second rack, the independent rack. Neither the Jancesek Patent nor the Hobday Publication teach or suggest a dual use kit with vertical frames which can be used in one rack to support various built-ins with differing dimensions or alternatively can be used to an independent second rack.

Conclusion

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed or resolved in this response, the undersigned attorney again requests a telephone interview with the Examiner.

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Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. D. Swanson', with a long horizontal stroke extending to the right.

Mark D. Swanson

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